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13DV-12522

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REMARKS

Claim Rejection - 35 USC §103(a)

1. The Examiner's rejection of Claims 1-20 under 35 U.S.C. §103(a), as being unpatentable over Mannava et al. 5,591,009, in view of Neal et al. 4,426,867 and Mallozzi et al. 3,850,698, has been carefully considered by the Applicants and the Applicants respectfully disagree. The Applicants have filed an RCE and the present Application and the Mannava et al. '009 patent were copending and commonly owned at the time of the filing of the parent of the present Application as evidenced by assignments of present Application and the Mannava et al. '009 patent. the Mannava et al. '009 patent is thus now disqualified as prior art under 35 U.S.C. 103(c), because the subject matter which would otherwise be prior art to the claimed invention and the claimed invention were commonly owned at the time the claimed invention was made and was subject to an obligation of assignment that would establish common ownership. Therefore, the Applicants respectfully submit that the Examiner's rejection of Claims 1-20 under 35 U.S.C. §103(a), as being unpatentable over Mannava et al. 5,591,009, in view of Neal et al. 4,426,867 and Mallozzi et al. 3,850,698, has been overcome by the remarks above and should be withdrawn.

Double Patenting

2. The Applicants have now studied the Examiner's obvious type Double Patenting rejections of Claims 1-20 under the judicially created doctrine of double patenting. Claims 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 16, 17, and 18 stand rejected, under the judicially created doctrine of double patenting, over Claims 1, 1, 3, 1, 3, 1, 1, 3, 1, 1, 3, 1, 1, and 3, respectively, of U.S. Patent No. 5,591,009, in view of Neal et

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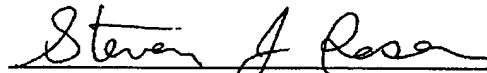
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al. and Mallozzi et al. Claims 9-10, 14-15, and 19-20 stand rejected, under the judicially created doctrine of double patenting, over Claims 4, 4, 4, 4, 4, and 4, respectively, of U.S. Patent No. 5,591,009 in view of Neal et al. The Applicants have filed a Terminal Disclaimer as to U.S. Patent No. 5,591,009 to overcome the above noted obvious type Double Patenting rejections of Claims 1-20 under the judicially created doctrine of double patenting.

The Applicants respectfully submit that the Examiner's obvious type Double Patenting rejections of Claims 1-20 with regards to U.S. Patent Nos. 5,591,009 have been overcome by the Terminal Disclaimer and the remarks above.

3. The Applicants respectfully submit that Claims 1-20 are now in condition for allowance based on the remarks above.

Respectfully submitted,



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